



Housing Justice Center
Advancing housing justice
in Minnesota through
advocacy, organizing, and
legal action.

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Submitted via reginfo.gov.

HUD Desk Officer
Office of Information and Regulatory Affairs
Office of Management and Budget
New Executive Office Building, 725 17th Street NW
Washington, D.C. 20503

The Honorable Scott Turner
Secretary
Department of Housing and Urban Development
451 7th Street SW, Room 10276
Washington, D.C. 20410-0500

RE: HUD Docket No. FR-7107-N-15; OMB Control No.: 2529-0011; 30-Day Notice of
Proposed Information Collection: Housing Discrimination Complaint Form HUD 903

Dear Desk Officer and Secretary Turner:

The Housing Justice Center submits these comments on the Department of Housing and Urban Development's (HUD) 30-day notice under the Paperwork Reduction Act ("PRA"), published July 31, 2026, seeking approval from the Office of Management and Budget ("OMB") for a revised Housing Discrimination Complaint Form HUD 903 (the "Proposed Form").¹

HUD characterizes the request as a "Reinstatement with Change of an Approved Collection" and identifies no change bearing on language access. The record shows otherwise. The collection OMB approved in 2023 consisted of nine forms: an English version and translations in Spanish, Chinese, Arabic, Vietnamese, Khmer/Cambodian, Korean, Russian,

¹HUD, 30-Day Notice of Proposed Information Collection: Housing Discrimination Complaint Form HUD 903, 91 Fed. Reg. 48,401 (July 31, 2026) (Docket No. FR-7107-N-15; OMB Control No. 2529-0011).

and Somali.² The Proposed Form also adds a bold, capitalized declaration that "HUD WILL SOLELY BE USING ENGLISH AS THE OFFICIAL LANGUAGE FOR ALL BUSINESS AND SERVICES"; deletes the field asking for a complainant's preferred language; deletes "(including limited English proficiency)" from the national origin basis while leaving every other parenthetical intact; removes the directory of HUD's ten regional FHEO offices; and moves the declaration under penalty of perjury, together with a warning of criminal referral, to the intake stage. None of this is disclosed in the 30-day notice or in the April 2026 60-day notice.³ These changes become apparent only on a comparison of the current and prior forms. In substance, the Proposed Form would end more than twenty-five years of practice by making the federal housing discrimination and Violence Against Women Act ("VAWA") complaint process available in English alone.

These comments address four points. First, the change falls with particular force on Minnesota, which is home to the largest Somali community in the United States and to a language profile unlike that of any other state, and whose own governments have long concluded that translated civil rights materials are both necessary and inexpensive to maintain. Second, the Proposed Form is inconsistent with the Fair Housing Act, which entitles any aggrieved person to file a complaint and grants HUD authority to structure that process rather than to foreclose it. Third, it is inconsistent with VAWA, which expressly requires that notice of occupancy rights be provided in multiple languages and requires HUD to enforce VAWA's housing provisions on the same terms as the Fair Housing Act. Fourth, it does not satisfy the PRA's approval standards, because HUD eliminated eight approved forms and a ten-office contact directory while reporting a per-response burden estimate that did not change by a single minute.

For these reasons, the Housing Justice Center urges OMB to disapprove the Proposed Form. Should HUD resubmit, it should restore the translated versions of the form, including the Somali version; restore limited English proficiency, language access, and language-based discrimination to the form's description of the protections FHEO enforces; restore the collection of a complainant's preferred language; state plainly on the form that a complainant may use an interpreter and may have an organization, advocate, or attorney assist in filing; and restore the directory of HUD's ten regional FHEO offices.

² HUD, 60-Day Notice of Proposed Information Collection: Comment Request; "Report Housing Discrimination" Form HUD-903.1, HUD-903.1A, HUD-903.1B, HUD-903.1C, HUD-903.1F, HUD-903.1CAM, HUD-903.1KOR, HUD-903.1RUS, HUD-903-1_Somali; OMB Control No.: 2529-0011, 88 Fed. Reg. 53,507, 53,509 (Aug. 8, 2023).

³ HUD, 60-Day Notice of Proposed Information Collection: Comment Request Housing Discrimination Complaint Form HUD-903, 91 Fed. Reg. 17,979 (Apr. 9, 2026) (Docket No. FR-7095-N-01).

About the Housing Justice Center

The Housing Justice Center is a Minnesota public interest advocacy and legal organization whose primary mission is to preserve and expand affordable housing for low-income individuals and families. For more than twenty-five years, the Housing Justice Center has worked to ensure that people have access to safe, stable, affordable dignified places to call home free from discriminatory barriers.

The Proposed Form Would Limit Access to LEP Minnesotans

Almost 640,000 Minnesotans speak a language other than English at home.⁴ Spanish accounts for roughly a third of that group and Somali speakers account for roughly ten percent, a concentration that makes Minnesota's language profile unusual among the states.⁵ Approximately 107,000 Minnesotans are of Somali descent, the largest such community in the country, with roughly 84,000 in the Minneapolis–Saint Paul metropolitan area.⁶ In Saint Paul, the city reports that 28.8 percent of residents speak a language other than English at home and 15 percent are limited English proficient.⁷ Minneapolis's Sixth Ward and Saint Paul's Fifth Ward each contain census tracts where twenty percent or more of residents report speaking English less than very well.⁸ Of the eight discontinued HUD Discrimination Complaint Form translations, at least five, Spanish, Somali, Vietnamese, Khmer/Cambodian, and Chinese, correspond to established Minnesota communities.

Minnesota's own practice demonstrates that maintaining governmental forms in multiple languages is not burdensome. State law requires the Office of Enterprise Translations to maintain language-specific landing pages in Spanish, Hmong, and Somali,⁹ and requires translated voting instructions and sample ballots wherever three percent of a census tract

⁴ Rachel Hutton, *What Languages Are Most Spoken in Minnesota Homes?*, Minn. Star Tribune (July 31, 2025), <https://www.startribune.com/top-languages-spoken-at-home-in-minnesota-spanish-hmong-somali/601368610>.

⁵*Id.*

⁶Steve Karnowski, 5 Things to Know About the Somali Community in Minnesota, Associated Press (Dec. 2025) (reporting U.S. Census Bureau, 2024 American Community Survey estimates), <https://www.pbs.org/newshour/nation/5-things-to-know-about-the-somali-community-in-minnesota-after-trumps-attacks>.

⁷City of Saint Paul, Dep't of Human Rights & Equal Economic Opportunity, 2023 Limited English Proficiency (LEP) Annual Report, <https://www.stpaul.gov/2023-limited-english-proficiency-lep-annual-report>.

⁸Shubhanjana Das & Cynthia Tu, Minnesota's Language Diversity Offers a Snapshot of a Changing State, *Sahan Journal* (Sept. 22, 2025), <https://sahanjournal.com/immigration/minnesota-non-english-languages-census-data/>.

⁹Minn. Stat. § 16B.373, subd. 1(a)(2) (Office of Enterprise Translations must "create and maintain language-specific landing webpages in Spanish, Hmong, and Somali and other languages that may be determined by the commissioner, in consultation with the state demographer").

speaks English less than very well, with interpreters on request at twenty percent.¹⁰ Saint Paul’s language access plan covers Spanish, Hmong, Somali, and Karen. Minneapolis publishes its renter rights guide in Hmong, Somali, and Spanish.¹¹ State and local governments in Minnesota have concluded, repeatedly and across administrations, that housing and civil rights information must reach residents in these languages. HUD has historically done the same, recognizing the importance of access to these forms in individuals’ native languages.

HUD itself once explained why this matters. Its 2016 Office of General Counsel guidance recognized the close link between limited English proficiency and national origin and race, and warned that selective use of language-related policies, or use of limited English proficiency as a pretext, violates the Fair Housing Act.¹² HUD has since withdrawn its longstanding Title VI language access guidance.¹³ Withdrawing guidance does not change the statute, and it does not make the underlying conduct lawful. It does, however, make the complaint form the last remaining point of access, which is why ensuring access to it is critical for LEP individuals. If the Proposed Form is approved, a complainant would confront a form available only in English, no place to state a preferred language, no checkbox identifying limited English proficiency as part of a national origin claim, and a warning about criminal referral above the signature line.

The Proposed Form is Inconsistent with the Fair Housing Act

Any aggrieved person may file a complaint with the Secretary alleging a discriminatory housing practice.¹⁴ “Aggrieved person” is defined expansively and has long been construed to reach as far as Article III of the Constitution permits.¹⁵ HUD may prescribe the form of a written complaint,¹⁶ but that is authority to structure access, not to withhold it. HUD’s own

¹⁰Minn. Stat. § 204B.295, subds. 2–3 (language minority districts designated where three percent or more of a census tract speaks English “less than very well”; interpreters required on request in tracts at twenty percent or more).

¹¹City of Minneapolis, Renter Rights Quick Guide (available in English, Hmong, Somali, and Spanish), <https://www.minneapolismn.gov/resident-services/property-housing/housing/renting/renters/rights/quick-guide/>.

¹²HUD, Office of General Counsel Guidance on Fair Housing Act Protections for Persons with Limited English Proficiency (Sept. 15, 2016); see Press Release, HUD, HUD Issues New Guidance on Fair Housing Protections for People with Limited English Proficiency (Sept. 15, 2016), <https://archives.hud.gov/news/2016/pr16-135.cfm>.

¹³Notification of Withdrawal of Fair Housing and Equal Opportunity Guidance Documents, 91 Fed. Reg. 17,291, 17,292 (Apr. 6, 2026) (Docket No. FR-6571-N-01) (withdrawing, effective Sept. 17, 2025, HUD’s Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (Jan. 22, 2007)).

¹⁴42 U.S.C. § 3610(a)(1)(A)(i).

¹⁵42 U.S.C. § 3602(i); see *Trafficante v. Metro. Life Ins. Co.*, 409 U.S. 205, 209 (1972) (construing the Act’s definition of a person aggrieved broadly and as coextensive with Article III standing).

¹⁶42 U.S.C. § 3610(a)(1)(B)(i) (complaint “shall be in writing and shall contain such information and be in such form as the Secretary requires”).

regulations promise the opposite of what the Proposed Form signals. The regulations tell the public that FHEO will help a person file.¹⁷ A form that announces HUD will use English “for all business and services,” collects no language information, and demands a sworn statement that the complainant has read a document they may not be able to read, communicates to an LEP Minnesotan that the process is closed and that using an interpreter may be risky. That is not a form requirement, it is a barrier to the statutory right itself.

The Supreme Court has recognized that for some communities, language proficiency “like skin color, should be treated as a surrogate for race under an equal protection analysis,”¹⁸ and courts have long insisted on “a very searching look” at decisions resting on language characteristics.¹⁹ In this instance, HUD did not simply decline to produce new translations, it: (i) gave the English-only declaration greater prominence than any statement of rights on the document, (ii) surgically removed the one parenthetical tying limited English proficiency to national origin while leaving every other parenthetical intact, (iii) deleted the preferred-language field, and (iv) retired all eight non-English versions at once, without disclosure. Taken together, these choices are difficult to explain on grounds other than the national origin of the people who used those eight forms.

The Proposed Form is Inconsistent with the Violence Against Women Act

VAWA expressly requires that the notice of occupancy rights and the accompanying certification form be provided “in multiple languages.”²⁰ VAWA 2022 further requires HUD to implement and enforce VAWA’s housing provisions in a manner providing the same rights and remedies as the Fair Housing Act, and FHEO is the office that takes VAWA complaints.²¹ The Proposed Form is the vehicle for those complaints. A statute that guarantees a survivor notice of her rights in a language she reads, but a complaint form she cannot, guarantees nothing. A Somali speaking survivor who is told her VAWA rights were violated would now have to swear, in English, under penalty of perjury, that she has read a complaint she was

¹⁷24 C.F.R. § 103.20 (“HUD’s Office of Fair Housing and Equal Opportunity can help you in filing a claim, if you contact them directly. You, or anyone who acts for you, may also ask any HUD office or an organization, individual, or attorney to help you.”); see also id. § 103.30.

¹⁸*Hernandez v. New York*, 500 U.S. 352, 371 (1991) (plurality opinion).

¹⁹*Fragante v. City & County of Honolulu*, 888 F.2d 591, 596 (9th Cir. 1989) (accent and national origin are “inextricably intertwined,” requiring “a very searching look” at decisions resting on them), cert. denied, 494 U.S. 1081 (1990).

²⁰34 U.S.C. § 12491(d)(2)(D) (notice of VAWA occupancy rights and the accompanying certification form must be provided “in multiple languages, consistent with guidance issued by the Secretary of Housing and Urban Development in accordance with Executive Order 13166”).

²¹HUD, FHEO Notice 2023-01, Notice to Public Regarding FHEO Enforcement Authority and Procedures: Violence Against Women Act 2022, at 3 (Jan. 20, 2023) (VAWA 2022 “requires HUD and the Attorney General of the United States to implement and enforce the housing provisions of VAWA consistent with, and in a manner that provides, the same rights and remedies as those provided for in the Fair Housing Act”); see 34 U.S.C. §§ 12491–12495.

required to write in English. Minnesota's domestic violence programs and legal services organizations do not have the capacity to supply certified translation for every such filing, and nothing in VAWA contemplates that they should have to.

The Proposed Form Does Not Satisfy the PRA Approval Standards

OMB may approve a collection only if the agency demonstrates that it is the least burdensome necessary for the proper performance of the agency's functions to comply with legal requirements and achieve program objectives, and the agency may not minimize its own costs by shifting disproportionate burdens onto the public.²² "Burden" expressly includes reviewing instructions, acquiring and using technology to comply, adjusting to previously applicable instructions and requirements, and completing and reviewing the collection.²³ An LEP Minnesotan who could previously download a Somali-language form and must now locate an interpreter, obtain a translation, or rely on machine translation to complete an English form and swear to its accuracy plainly bears additional burden of exactly these kinds. So does a complainant who must now find the right regional office without the directory the form used to supply.

HUD accounts for none of it. In 2023 HUD reported 28,262 non-telephone submissions at 0.75 hours each, for 21,196 annual burden hours.²⁴ The current submission reports 51,442 respondents, nearly double, at the identical 0.75 hours per response, for 38,581.50 hours and \$945,632.57.²⁵ The per-response figure did not move by a single minute even though eight language versions and the regional office directory were removed. That estimate cannot be accurate. Where an agency's burden estimate rests on the assumption that nothing changed for respondents, and the record shows that a great deal changed for a defined subset of them, OMB has no basis on which to find the collection least burdensome.

The collection also fails the certifications OMB requires under 5 C.F.R. § 1320.9.²⁶ A form that was understandable to Somali, Spanish, Vietnamese, Khmer, Chinese, Arabic, Korean, and Russian speaking respondents, and is no longer, is not "written using plain, coherent, and unambiguous terminology" and "understandable to those who are to respond." Abandoning eight approved forms and a ten-office contact directory is not "consistent and compatible" with existing practice. And a complaint intake instrument that a substantial share of aggrieved persons cannot read does not serve "the proper performance of the functions of

²²5 C.F.R. § 1320.5(d)(1)(i), (iii).

²³5 C.F.R. § 1320.3(b)(1)(i), (ii), (v), (viii).

²⁴88 Fed. Reg. at 53,509.

²⁵91 Fed. Reg. at 48,402.

²⁶5 C.F.R. § 1320.9(a), (c)–(e).

the agency,” whose function here is to receive and investigate their complaints. A less burdensome alternative was available and obvious, apply HUD’s new content to the nine forms OMB already approved.

Conclusion

For the reasons above, the Housing Justice Center urges OMB to disapprove the Proposed Form. Should HUD resubmit, HUD should restore the translated forms, including the Somali version; restore limited English proficiency, language access, and language-based discrimination to the form's description of the protections FHEO enforces; restore the collection of a complainant's preferred language; restore the regional office directory; and state on the form that complainants may use interpreters and may have an organization, advocate, or attorney assist them in filing. We appreciate the opportunity to comment.

Sincerely,

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